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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schena

Docket No.: 9469-4 DI2
(52555-5005-02)

Serial No.: 09/768,535

Examiner: Stephen Holzen

Filed: January 24, 2001

For: PRINTED MEDIUM ACTIVATED :
INTERACTIVE :
COMMUNICATION :

RECEIVED

FEB 27 2004

GROUP 3600

Attn: Group Director, Group 3621
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22312-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
TIMELY FILING OF RESPONSE TO OFFICE ACTION
PURSUANT TO 37 C.F.R. § 1.181**

Applicant hereby petitions to withdraw the holding of abandonment of the above-referenced application ("Application"), on the basis that an Amendment in response to the Office Action forming the basis of the abandonment was timely filed and, in support thereof, states as follows:

1. A Notice of Abandonment ("Notice"), mailed December 30, 2003, was received by the applicant's attorneys, Morgan Lewis & Bockius LLP, 1701 Market Street, Philadelphia, Pennsylvania (the "Firm"), on January 3, 2004. The Notice states that the Application is abandoned in view of applicant's failure to timely file a reply to an Office Action mailed on June 24, 2003 ("Office Action").

EXPRESS MAIL CERTIFICATE (37 C.F.R. § 1.10)

Express Mail Label No. EV260286705 US

Date of Deposit February 26, 2004

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313-1450, Attn: Group Director, Group 3621.

Name Alison B. Weisberg Signature

Date of Deposit 2/20/2004

2. The three-month period for responding to the Office Action ended September 24, 2003, and, upon the filing of a Petition for a Three-Month Extension of Time, ended on December 24, 2003. Thus, the period for responding to the Office Action ended December 24, 2003.

3. On December 23, 2003, Applicant's representative filed an amendment responding to the Office Action, along with a Petition for Three Month Extension of Time and authorization to charge the Firm's deposit account for fees associated with the Response and Petition (collectively, "Response and Petition"), with the Commissioner for Patents. See Declaration of Daniel Golub, and Exhibit A thereto (a copy of the Response and Petition), which are transmitted herewith and incorporated herein by reference.

4. The Response and Petition were accompanied by a certificate of first class mailing, indicating that the Response and Petition were deposited with the United States Postal Service, First Class Mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313, on December 23, 2003. See Declaration of Daniel Golub.

5. Also included with the Response and Petition was a self-addressed stamped post card, requesting the Commissioner for Patents' acknowledgment of receipt of the Response and Petition ("Postcard").

6. The Postcard was stamped on December 29, 2003 as having been received by the OIPE of the United States Patent and Trademark Office. See Declaration of Daniel Golub, and Exhibit B thereto (a copy of the Postcard stamped received by the OIPE).

7. Upon consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn and the Application be reinstated. It is also

respectfully requested that the Application file be returned to the Examiner in charge thereof and that the Response and Petition be reviewed on its merits.

8. It is believed that no fee is required with respect to this Petition. In the event any fee is necessary, however, please charge such fee to Deposit Account No. 50-0310.

Respectfully submitted,

2/20/04
Date

By: 

Alison B. Weisberg

Registration No. 45,206

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Facsimile: (215) 963-5001

Enclosure:

Declaration of Daniel Golub

Exhibit A – Response and Petition

Exhibit B – Postcard returned by the PTO